IN THE HIGH COURT OF BOMBAY AT GOA, PANAJI-GOA

APPEAL FROM ORDER NO. 3 OF 2003

Shri Manikrao Krishnarao Dessai,
aged about 54 years, son of
Krishnarao Dessai, widower,
resident of D-4,
Kapil Housing Society,
Khadpabandh, Ponda-Goa. .... Appellant

Versus

1. Shri Dilip Shrinivas Kamat,
   aged 45 years, son of
   Shrinivas Kamat, residing at
   H.No. 181, Mahalsa Krupa,
   Near Stadium, Fatorda,
   Margao, Goa-403 602.

2. Shri Damodar Shrinivas Kamat,
   aged 40 years, residing at H.No. 181,
   Mahalsa Krupa, Near Stadium,
   Fatorda, Margao, Goa-403 602. .... Respondents.

Shri Y.V. Nadkarni, Advocate for the Appellant.

Shri P.S. Rao, Advocate for the Respondents.

CORAM : **P.V. KAKADE, J.**

DATE : **23rd NOVEMBER, 2006**

ORAL JUDGMENT :

Heard learned Counsel for both the parties. Perused the record.

2. In the course of arguments, it was seen that the impugned order is passed on 30/12/2002, granting temporary injunction application filed by the plaintiffs against whom the present appeal.

3. The suit itself is of the year 2002 and, therefore, there is no point in pursuing the matter of the interim proceedings and no purpose would be served by adjudicating the interim application and to proceed with this appeal, when the suit itself is bound to be right for hearing. Both the Advocates are unable to make any statement whether the hearing of the suit has actually commenced or not. However, it would be necessary to give direction to the lower Court to proceed with the suit with right earnest as it is already four years' old.

4. In the result, it is directed that the Civil Judge, Senior Division, Ponda shall take up the suit for hearing on merits, after giving opportunity to both the sides to lead their respective evidence, as expeditiously as possible. Pending the suit, parties to maintain status quo with regard to the

suit property. With these directions, the appeal stands disposed of with no order as to costs.

P.V. KAKADE, J.

NH